

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**  
ILLINOIS  
COMMERCE COMMISSION  
2008 JAN 14 P 1:07  
CHIEF CLERK'S OFFICE

COMMONWEALTH EDISON COMPANY :

Application of COMMONWEALTH EDISON COMPANY, :  
For a Certificate of Public Convenience and Necessity, :  
Pursuant to Section 8-406 of the Illinois Public Utilities Act, :  
To construct, operate and maintain a new 138,000-volt :  
electric transmission line in Kane and McHenry Counties, :  
Illinois. :

No. 07-0310

**PETITION FOR LEAVE TO INTERVENE**

Now comes IndyMac Bank, F.S.B. ("IndyMac"), by its attorneys, pursuant to 83 Ill.Adm.Code § 200.200 and hereby respectfully petitions the Illinois Commerce Commission ("Commission") for leave to intervene and participate in this Docket. In support of this Petition, IndyMac respectfully states as follows:

1. IndyMac is a federally chartered savings bank organized under the federal Home Owner's Loan Act.

2. IndyMac holds a first mortgage of \$100 million on the Gilbert Conservancy Property ("Property") securing a loan to Neumann Homes, Inc. ("Neumann Homes").

3. The Property is currently owned by Neumann Homes.

4. Neumann Homes is currently in financial distress and in default of its loan from IndyMac. Neumann Homes and its affiliates have filed for relief under Chapter 11 of the United States Bankruptcy Code, which cases are currently pending in the Bankruptcy Court for the United States Northern District of Illinois, Case No. 07-20412 (jointly administered).

5. Commonwealth Edison Company's ("ComEd") proposal to construct and operate new transmission facilities in Kane and McHenry counties may impact the Property, and thus

IndyMac's interest in the Property. Therefore, IndyMac is interested in the subject matter of this proceeding and may be affected by an Order entered by the Commission herein.

6. IndyMac agrees to accept service by electronic means as provided for in Section 200.1050 of the Commission's rule of Practice. 83 Ill. Adm. Code § 200.1050.

7. Copies of all pleadings, notices and correspondence in this Docket should be sent to the undersigned parties.

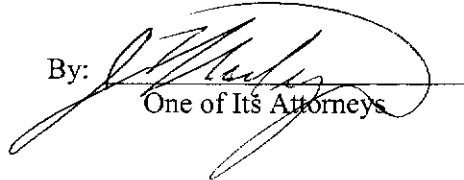
WHEREFORE, IndyMac Bank, F.S.B. respectfully requests leave to intervene and to participate as a party in this proceeding.

Dated: January 11, 2008

Respectfully submitted,

INDYMAC BANK, F.S.B.

By:

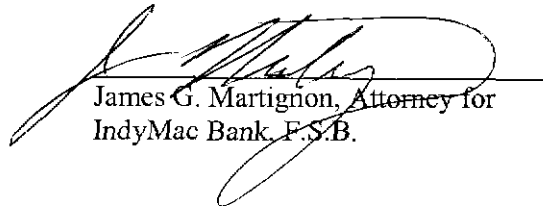


One of Its Attorneys

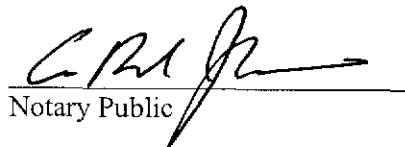
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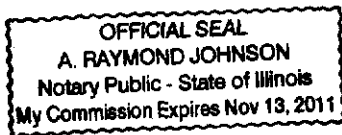
VERIFICATION

I, James G. Martignon, being first duly sworn, hereby state that I am an attorney for IndyMac Bank, F.S.B., that I am authorized to make this verification on its behalf, that I have read the foregoing Petition for Leave to Intervene of IndyMac Bank, F.S.B. in Docket No. 07-0310, that I have knowledge of the facts stated therein, and that the same are true and correct to the best of my knowledge, information and belief.

  
James G. Martignon, Attorney for  
IndyMac Bank, F.S.B.

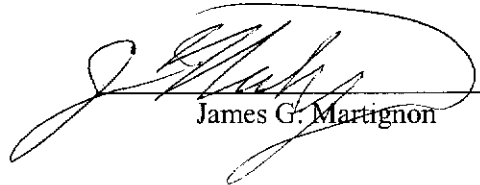
Subscribed and sworn to before me  
This 11<sup>th</sup> day of January 2008

  
Notary Public



**Certificate of Service**

I, James Martignon, hereby certify that I caused a copy of the Petition for Leave to Intervene upon the parties listed on the attached service list in Docket No. 07-0310 via email (where indicated) and U.S. mail on January 11, 2008.



James G. Martignon

## SERVICE LIST

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